



General Assembly

Substitute Bill No. 402

February Session, 2006

* _____SB00402LAB__041706_____*

AN ACT CONCERNING CERTAIN SERVICE INTERRUPTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-57f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 (a) As used in this section: (1) "Required employer" means any
4 provider of food, building, property or equipment services or
5 maintenance listed in this subdivision whose rate of reimbursement or
6 compensation is determined by contract or agreement with the state or
7 any state agent: (A) Building, property or equipment service
8 companies; (B) management companies providing property
9 management services; and (C) companies providing food preparation
10 or service, or both; (2) "state agent" means any state official, state
11 employee or other person authorized to enter into a contract or
12 agreement on behalf of the state; (3) "person" means one or more
13 individuals, partnerships, associations, corporations, business trusts,
14 legal representatives or organized groups of persons; [and] (4)
15 "building, property or equipment service" means any janitorial,
16 cleaning, maintenance or related service; (5) "service interruption"
17 means any interruption of goods or services provided by a required
18 employer or a subcontractor that affects the employees engaged in the
19 performance of work on the goods and services for which the state has
20 contracted, except an interruption caused by a fire, flood or other act of

21 God; and (6) "day" means a calendar day.

22 (b) On and after July 1, 2000, the wages paid on an hourly basis to
23 any employee of a required employer in the provision of food,
24 building, property or equipment services provided to the state
25 pursuant to a contract or agreement with the state or any state agent,
26 shall be at a rate not less than the standard rate determined by the
27 Labor Commissioner pursuant to subsection (g) of this section.

28 (c) Any required employer or agent of such employer that violates
29 subsection (b) of this section shall pay a civil penalty in an amount not
30 less than two thousand five hundred dollars but not more than five
31 thousand dollars for each offense. The contracting department of the
32 state that has imposed such civil penalty on the required employer or
33 agent of such employer shall, within two days after taking such action,
34 notify the Labor Commissioner, in writing, of the name of the
35 employer or agent involved, the violations involved and steps taken to
36 collect the fine.

37 (d) The Labor Commissioner may make complaint to the proper
38 prosecuting authorities for the violation of any provision of subsection
39 (b) of this section.

40 (e) For the purpose of predetermining the standard rate of covered
41 wages on an hourly basis, the Labor Commissioner shall establish
42 classifications for all hourly nonsupervisory employees based on the
43 applicable occupation codes and titles set forth in the federal Register
44 of Wage Determinations under the Service Contract Act of 1965, 41
45 USC 351, et seq. The Labor Commissioner shall then determine the
46 standard rate of wages for each classification of hourly nonsupervisory
47 employees which shall be equivalent to the minimum hourly wages set
48 forth in the federal Register of Wage Determinations under the Service
49 Contract Act, plus a thirty per cent surcharge to cover the cost of any
50 health, welfare and retirement plans or, if no such plan is in effect
51 between the employees and the employer, an amount equal to thirty
52 per cent of the hourly wage which shall be paid directly to the

53 employees.

54 (f) Required employers with employees covered by collective
55 bargaining agreements which call for wages and benefits that are
56 reasonably related to the standard rate shall not be economically
57 disadvantaged in the bidding process, provided the collective
58 bargaining agreement was arrived at through arms-length
59 negotiations.

60 (g) The Labor Commissioner shall, in accordance with subsection (e)
61 of this section, determine the standard rate of wages for each
62 classification on an hourly basis where any covered services are to be
63 provided, and the state agent empowered to let such contract shall
64 contact the Labor Commissioner at least ten days prior to the date such
65 contract will be advertised for bid, to ascertain the standard rate of
66 wages and shall include the standard rate of wages on an hourly basis
67 for all classifications of employment in the proposal for the contract.
68 The standard rate of wages on an hourly basis shall, at all times, be
69 considered the minimum rate for the classification for which it was
70 established.

71 (h) Each required employer subject to the provisions of this section
72 shall (1) keep, maintain and preserve such records relating to the
73 wages and hours worked by each employee and a schedule of the
74 occupation or work classification at which each person is employed
75 during each work day and week in such manner and form as the Labor
76 Commissioner establishes to assure the proper payments due to such
77 employees, and (2) [upon written request] on or before January first of
78 each year, submit to the contracting state agent a certified payroll
79 which shall consist of a complete copy of such records accompanied by
80 a statement signed by the employer which indicates that (A) such
81 records are correct, (B) the rate of wages paid to each employee is not
82 less than the standard rate of wages required by this section, (C) such
83 employer has complied with the provisions of this section, and (D)
84 such employer is aware that filing a certified payroll which it knows to
85 be false is a class D felony for which such employer may be fined not

86 more than five thousand dollars or imprisoned not more than five
87 years, or both. Notwithstanding the provisions of section 1-210, as
88 amended, the certified payroll shall be considered a public record and
89 every person shall have the right to inspect and copy such record in
90 accordance with the provisions of section 1-212. The provisions of
91 subsections (a) and (b) of section 31-59, section 31-66 and section 31-69
92 which are not inconsistent with the provisions of this section shall
93 apply. Any person who files a false certified payroll in violation of
94 subdivision (2) of this subsection shall be guilty of a class D felony for
95 which such person may be fined not more than five thousand dollars
96 or imprisoned not more than five years, or both.

97 [(i) This section shall not apply to contracts, agreements or grants
98 which do not exceed forty-nine thousand nine hundred ninety-nine
99 dollars per annum.]

100 [(j)] (i) On receipt of a complaint for nonpayment of the standard
101 rate of wages, the Labor Commissioner, the Director of Wage and
102 Workplace Standards and wage enforcement agents of the Labor
103 Department shall have power to enter, during usual business hours,
104 the place of business or employment of any employer to determine
105 compliance with this section, and for such purpose may examine
106 payroll and other records and interview employees, call hearings,
107 administer oaths, take testimony under oath and take depositions in
108 the manner provided by sections 52-148a to 52-148e, inclusive. The
109 commissioner or the director, for such purpose, may issue subpoenas
110 for the attendance of witnesses and the production of books and
111 records. Any required employer, an officer or agent of such employer,
112 or the officer or agent of any corporation, firm or partnership who
113 wilfully fails to furnish time and wage records as required by law to
114 the commissioner, the director or any wage enforcement agent upon
115 request or who refuses to admit the commissioner, the director or such
116 agent to a place of employment or who hinders or delays the
117 commissioner, the director or such agent in the performance of any
118 duties in the enforcement of this section shall be fined not less than
119 twenty-five dollars nor more than one hundred dollars, and each day

120 of such failure to furnish time and wage records to the commissioner,
121 the director or such agent shall constitute a separate offense, and each
122 day of refusal of admittance, of hindering or of delaying the
123 commissioner, the director or such agent shall constitute a separate
124 offense.

125 [(k) Notwithstanding subsection (i) of this section, any]

126 (j) Any employer that pays the state for a franchise to provide food
127 preparation or service, or both, for the state shall be required to certify
128 that the wages and benefits paid to its employees are not less than the
129 standard rate established pursuant to this section.

130 [(l)] (k) The Labor Commissioner may adopt regulations, in
131 accordance with chapter 54, to carry out the provisions of this section.

132 [(m)] (l) The provisions of this section and any regulation adopted
133 pursuant to subsection [(l)] (k) of this section shall not apply to any
134 contract or agreement entered into before July 1, 2000.

135 (m) On and after the effective date of this section, any contract for
136 the provision of goods or services between a required employer and
137 the state shall provide that: (1) If the delivery of the goods or services
138 owed under such contract is delayed by not less than one-half of a day
139 as a direct result of a service interruption, such required employer
140 shall pay a penalty of five per cent of the annual amount of such
141 contract for each day or one-half of a day that delivery in full is
142 delayed; and (2) if the goods and services delivered under such
143 contract are not of the quality promised by the required employer
144 under such contract and such deficiency is a direct result of a service
145 interruption, such required employer shall pay a penalty of two per
146 cent of the annual amount of such contract for each day or one-half of
147 a day that such deficiency exists.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>July 1, 2006</i>	31-57f
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GAE *Joint Favorable Subst.*

LAB *Joint Favorable*